

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
---	----------------------------------

**This Document relates to:**

*Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, No. 03-cv-9849 (GBD)(SN)

**BURNETT PLAINTIFFS' NOTICE OF MOTION  
FOR ENTRY OF DEFAULT JUDGMENTS FOR PERSONAL-INJURY  
CLAIMS UNDER 18 U.S.C. § 2333 AGAINST THE TALIBAN**

PLEASE TAKE NOTICE that upon the accompanying declaration of John M. Eubanks (hereinafter "Eubanks Decl."), with exhibits, and the accompanying memorandum of law, and in accordance with this Court's November 14, 2023 Order setting forth such information the Court requires to adjudicate this motion (*see* ECF No. 9435), the *Burnett* Moving Plaintiffs included on Exhibit B respectfully request Final Default Judgments Against The Taliban for pecuniary and non-pecuniary loss (including, but not limited to pain-and-suffering damages, economic-loss damages, pre-judgment interest, and trebled damages under 18 U.S.C. § 2333(a)) in favor of the *Burnett* Moving Plaintiffs. The judgment amounts sought here are based on prior judgments entered by this Court for certain of the *Burnett* Moving Plaintiffs for personal-injury damages and economic-loss damages for individuals who sustained injuries as a direct result of the terrorist attacks on September 11, 2001 within this MDL against *inter alia* the Islamic Republic of Iran. The *Burnett* Moving Plaintiffs further seek permission to submit supplemental motions seeking damages for those *Burnett* Moving Plaintiffs included on Exhibit C who were American citizens/U.S. nationals on September 11, 2001 and for whom a prior judgment against Iran has not yet been entered (or sought) to date in accordance with the framework established by Magistrate Judge Netburn (*see* ECF No. 5879) and adopted by Judge Daniels (*see* ECF No. 5946).

The *Burnett* Moving Plaintiffs on Exhibit B further move that such damages be trebled under the ATA and include prejudgment interest at the rate of 4.96 percent, compounded annually, from the period from September 11, 2001, until the date of the judgment for damages entered against the Taliban. In addition, the *Burnett* Moving Plaintiffs on Exhibit B move for permission to seek punitive damages and/or other damages at a later date to the extent appropriate. Finally, the *Burnett* Moving Plaintiffs on Exhibit C seek permission from the Court to submit in the future such documentation as is necessary for the Court to adjudicate a damages determination in their claims.

Dated: January 19, 2024

Respectfully submitted,

MOTLEY RICE LLC

/s/ John M. Eubanks  
John M. Eubanks, Esq.  
Donald A. Migliori, Esq.  
Jodi Westbrook Flowers, Esq.  
Robert T. Haefele, Esq.  
Jade Haileselassie, Esq.  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29464  
Tel: (843) 216-9000  
Fax: (843) 216-9450  
Email: jeubanks@motleyrice.com